

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States Courts
Southern District of Texas
ENTERED

JAN 13 2004

Michael N. Milby, Clerk of Court

MICHELLE ROD, Individually and as
representative of the estate of RANDALL
ROD, BRIAN ROD, ANGELA ROD,
BETHANY ROD, and LORRAINE ROD,

Plaintiffs,

V.

FORD MOTOR COMPANY,

Defendant.

§§ 87(2)(b), 87(4-b), 87(4-g), 87(4-h)

CIVIL ACTION NO. H-03-5382

ORDER

Before the Magistrate Judge upon referral from the District Judge is Defendant's Motion to Strike Gerald Rosenbluth (Document No. 34). In that motion, Defendant seeks to strike one of Plaintiff's experts, Gerald Rosenbluth, on the basis that Mr. Rosenbluth only prepared a cursory preliminary report, the report does not contain his qualifications to act as an expert in this case, and his opinions are not clearly set forth in his report.

In an Order entered on November 21, 2003 (Document No. 42), this case was *sua sponte* transferred from the Galveston Division to this Division. A new Docket Control Order has not yet been entered. The parties are scheduled for a Rule 16 Scheduling Conference in March. Because there is not a controlling Docket Control Order in this case, there is no current deadline for the parties to designate their experts and file their expert reports. As such, any deficiencies in any expert reports are subject to correction, and it is

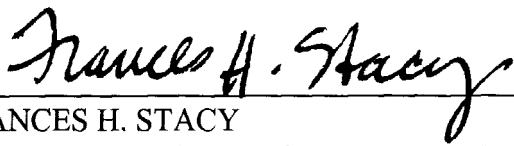
ORDERED that Defendant's Motion to Strike Gerald Rosenbluth (Document No. 34) is DENIED, but without prejudice to being reurged following the to-be-announced expert designation

on #52

deadline. In addition, given the pendency of this case in the Galveston Division for some time, the Rule 16 Scheduling Conference should be further accelerated, and it is

ORDERED that the Rule 16 Scheduling Conference is RESET to FEBRUARY 3, 2004, at 10:00 a.m. in Courtroom 702. Prior to the Scheduling Conference, the parties shall conduct a Rule 26(f) meeting, make any additional initial disclosures, and file an up-dated Joint Discovery and Case Management Plan in the form prescribed by the District Court.

Signed at Houston, Texas, this 12th day of January, 2004.


FRANCES H. STACY
UNITED STATES MAGISTRATE JUDGE